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Docket No. MCP 5019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants Allen, et al. 10 Serial No. 10/743,126 Art Unit: 1618 Filed 22 December 2003 Examiner: Samala, J.R. 15 For CONSUMER CUSTOMIZED DOSAGE FORMS I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 20 7 February 2007 (Date) Michele G. Mangini Name of applicant, assignee, or Registered Representative

/Michele G. Mangini/ (Signature) 7 February 2007 (Date of Signature)

Assistant Commissioner for Patents Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

35 Dear Sir:

> This paper is filed in response to the office action dated 8 January 2007 ("Office Action"), which set a shortened thirty-one (31) day response period.

The Office Action required:

- 1) restriction to one of the inventions set forth in Paragraphs I. and II.; and
- 2) election to a "single disclosed species from each category (a) and (b)":
 - (a) a "single disclosed dosage form is a liquid such as syrups, suspensions, solutions and emulsions...:
 - (b) a "single disclosed customization agent is a solid consisting particles, flakes, crystals, powders, agglomerates, beads, strips, fibers, films, tablets, and capsules.... "

Applicants respectfully elect to prosecute the invention of Paragraph II. (claims 24 -34), with traverse.

Applicants respectfully submit that the claims include sufficiently few species such that a search and examination of all of the species at one time would not impose a serious

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burden. Therefore Applicants respectfully submit that the invention as claimed in claims 1 - 34 may best be examinable in one application.

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Applicants further elect a suspension as the dosage form species and flakes as the customization agent species with traverse for the same reasons set forth above. According to the Office Action, this response "must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon," which is set forth below with respect to the invention of Paragraph II.

Applicants respectfully submit that claims 1 – 34 may read on the elected species

It is submitted that the foregoing remarks place the case in condition for allowance.

A notice to that effect is earnestly solicited.

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Respectfully submitted, Allen, Marni, et al.

By:

/Michele G. Mangini/ Michele G. Mangini (Attorney for Applicants) Reg. No. 36,806

Reg. No. 36,806 Dated: 7 February 2007

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